

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED
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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY *CS*

**TEXAS MEDICAL PROVIDERS PERFORMING
ABORTION SERVICES, et al.,
Plaintiffs,**

-vs-

Case No. A-11-CA-486-SS

**DAVID LAKEY, M.D., et al.,
Defendants.**

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically the Motion for Leave to File an Amicus Brief [#55], filed by certain members of the Texas House of Representatives. Having reviewed the document, the relevant law, and the file as a whole, the Court now enters the following opinion and order DENYING the motion.

On August 9, 2011, the Court denied a similar motion filed by Senator Patrick and Representative Miller. The Court denies this one for the same reason; namely, counsel for the parties in this case are more than capable of advocating for their clients' positions without outside input. This is especially true where, as here, that input comes in the form of, among other things, commentary by legislators on "the clear legislative intent of H.B. 15's severability clause." Mot. [#55] at ¶ 7.

If the severability clause is as clear as the Representatives indicate, their interpretive assistance will not be required. And if it is not, it would be unhelpful, if not improper, for the Court

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to look to statements made by a subset of the Legislature, in a document prepared for the purposes of litigation, to determine legislative intent.

As stated in its August 9, 2011 Order, the Court will not allow this lawsuit to be used as a vehicle for advancing a political agenda, or as a platform for rhetorical grandstanding. Although the outcome of this case will likely have repercussions outside these proceedings, the resolution of this case will depend solely on the legal issues presented. The Court's time is better spent considering the arguments of the parties than addressing the opportunistic petitions of outsiders.

Accordingly

IT IS ORDERED that the Representatives' Motion for Leave to File an Amicus Brief
[#55] is DENIED.

SIGNED this the 11⁵ day of August 2011.



SAM SPARKS
UNITED STATES DISTRICT JUDGE